CASE SUMMARY

Complaint against the Leisure and Cultural Services Department for unreasonably rejecting applications for hiring of its venues

The Complaint

A group of social dance enthusiasts complained against the Leisure and Cultural Services Department (LCSD) for unreasonably rejecting their applications for hiring its venues.

Background Information

2. For some years, the complainants had successfully booked a dance room at LCSD indoor games hall in accordance with normal procedures to practise dancing between 8 a.m. and 10 a.m. every Sunday. In early 2001, their application for renewal of bookings was rejected by LCSD because "the venue had already been hired out". They learnt later that it was to a dance organisation recognised for priority in booking venues but the organisation did not fully utilise the venue. They were, therefore, dissatisfied with the Department allowing the organisation to abuse the priority and waste public resources.

Investigation

3. Apart from approaching LCSD, we also wrote to the dance organisation in question for relevant information and comments. We subsequently met the person in charge of the dance organization to give him an opportunity to respond to the implicit allegations.

Observations and Opinions

4. After investigation, we found that the current policy of LCSD for booking of venues had been in force for a long time without any review, resulting in loopholes. However, the Department had not focused on them and was thus unable to properly process the applications for hire from the complainants and the organisation.

Priority Booking Arrangements

5. Organisations recognised for priority refer to registered non-profit-making organizations acknowledged by the Government for their contribution to certain fields in culture or sports. Priority booking arrangements for such organisations were first introduced by the former Urban Council to facilitate the promotion and healthy development of cultural and recreational activities in Hong Kong.

6. Priority booking arrangements would be made only for those recognised organisations which were also regular venue users. A written application together

with details of the proposed activities must be submitted three months before commencement of hire. The applicant could choose to confirm with LCSD details of the activities two weeks beforehand at the latest. In other words, these organisations had much more time than other organisations for booking venues of their choice.

7. The organisation concerned in this case was one such organisation. Our investigation revealed that upon successful application, the organisation did not fully utilise the venue at times, e.g. the person in charge did not stay at the venue throughout the hired session or it was used by only one single person for almost the whole session. Apart from issuing written reminders to the organisation, LCSD did not take any further action to properly follow up and rectify the irregularities.

8. We considered both the administrative arrangements for priority booking and the control over the use of venue facilities left much to be desired.

Processing Procedures

9. In our view, LCSD should consider carefully whether a concession was justified, e.g. whether the proposed activity was worthy of support after due assessment of the programme plan. It should not approve an application “as a matter of routine” simply because the applicant was a recognised organisation. In other words, recognised organisations should definitely not be given priority “unconditionally” or automatically.

10. We were of the opinion that LCSD should review its processing procedures for applications and the criteria for granting concessions in order to avoid approving applications indiscriminately like a rubber stamp.

Rules on Use of Venues

11. We considered that in processing applications, LCSD should check with applicants their purpose for hiring the venues and the number of participants as soon as possible to ensure popular venue would be fully utilised, not used by one single person.

12. LCSD should review and revise the relevant rules on the hiring of venues, highlight the importance of proper use of venues and advise users to fully utilise the precious resources, not leaving the venues in the middle of a hired session without good reasons. In addition, the Department should step up patrol of venues to avoid leaving them vacant and advise users to keep quiet. Consideration should also be given to formulating a system for progressive penalty to apply to individuals or organisations repeatedly violating the rules or failing to fully utilise the venues, e.g. issuing warnings, cancelling their right to use the venues.

Conclusions

13. To sum up, venue facilities were not fully utilised by some organisations as there were loopholes in the current policy and procedures. LCSD was inflexible in practice when processing applications for the hiring of venues. Furthermore, the

Department was not proactive enough in its daily patrol of the venue.

14. We noted that LCSD had neither amended its policy for hiring of venues and processing procedures for applications nor considered the application of the organisation concerned carefully before approving it. As a result, it had overlooked public interest (as well as the interest of the complainants). It had also failed to monitor the use of its venues effectively and allowed the hirers to abuse the venues. The Department should indeed be held responsible.

15. Therefore, this Office considered that the complaint was **substantiated**.

Recommendations

16. The Ombudsman put the following recommendations to the Director of Leisure and Cultural Services:

(a) to review its current policy and conditions for approving applications for hiring facilities as well as its processing procedures for applications and criteria for granting concessions, and to introduce well-defined conditions, e.g. requiring applicants to state the purpose of hiring venues, details of the proposed activities, the number of participants and the budget for the activities in their applications in order to ensure that its venues would not be abused;

(b) to implement a proper system of progressive penalty, issue effective warnings to those hirers or organisations repeatedly violating the rules, to give them neither tolerance nor allowance and to consider penalising hirers turning a deaf ear to repeated warnings more severely, where appropriate by rejecting their applications for hire for a certain period of time or even "blacklisting" them;

(c) to widely publicise and announce the above measures as prior warning before implementation;

(d) to strengthen the supervision of the venues by resident staff so that appropriate and resolute actions could be taken as necessary to safeguard public interest;

(e) to write to the dance organisation concerned and caution it to strictly comply with rules laid down by the Department and to solemnly declare its determination to prevent abuse of venues; and

(f) to continue to closely monitor the use of venues by the dance organisation concerned in order to take further action where appropriate.

17. We also suggested that the Director of Leisure and Cultural Services consider whether the recommendations (a) to (d) above were also applicable to other cultural and leisure facilities under its management.

Comments from LCSD

18. LCSD had the following response to our “Observations and Opinions” and “Recommendations”.

Priority Booking Arrangements

19. LCSD explained that under the current policy for hiring of venues, both national sports associations and formal organisations have priority in booking venues. The aim is to facilitate these bodies in organising large-scale tournaments or arranging training courses. Priority booking arrangements were meant to meet actual needs. All applications lodged by the dance organisation in this case were processed in accordance with the current policy.

Processing Procedures for Applications

20. LCSD has amended the application forms to require applicants to state their purpose of hiring venues, the number of and charges on participants. The new application forms have been distributed to various districts on 29 June 2001.

Rules on Use of Venues

21. LCSD stated that as there are many types of dance and the dance rooms are of different sizes to suit different purposes, it could not prioritise potential hirers by the number of participants in their proposed activities. As regards the problem of users leaving the venues during a hired session, it admitted that although users in general would not leave suddenly without reason, it had not laid down any rules to guard against such behaviour. However, if resident staff found that a hired facility was left unused, they would warn the hirers in accordance with existing rules. If the situation did not improve, the Department could refuse to approve their applications in future.

Our Recommendations

22. The Department had responded positively to our recommendations and given an assurance that public resources would be fully utilised.

Final Remarks

23. We considered that having been in use for years, the current policy and criteria for hiring of venues were already outdated and could not meet present-day needs. LCSD should, therefore, formulate a plan to conduct regular reviews to

plug loopholes in good time, to make up for inadequacies and to process all applications in a fair manner.

24. We were pleased to note that LCSD has responded positively to our recommendations. Our concern was whether there was room for improvement on the arrangements for booking of public venues. Our aim was to ensure that all applications are fairly processed and public venues fully utilised.

Latest Developments

25. LCSD reported to us recently that the review on the policy for hiring of facilities has been completed. The new policy was implemented on 1 April 2002. Similar reviews would be conducted regularly, consulting organisations and users to make sure that different needs of various sectors could be satisfied. If an organisation was found to be violating the rules on the use of facilities, the Department would definitely take appropriate actions, including issuing warning letters, to stop it.

26. LCSD had also formally addressed the dance organisation concerned in this case that commencing 11 June 2002, the concession hitherto granted would be cancelled.

27. We are pleased that LCSD has taken prompt and proactive follow-up actions and such should be welcome news for users of LCSD facilities.

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